

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1336**

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**Introduced by Assembly Member Eng**

February 27, 2009

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An act to ~~amend Sections 40207 and 40243~~ *add Article 3.6 (commencing with Section 40245) to Chapter 1 of Division 17 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1336, as amended, Eng. Vehicles: parking ~~Violations: violations:~~ *digital image recordings.*

Existing law authorizes the City and County of San Francisco, until January 1, 2012, to enforce parking violations in specified transit-only traffic lanes through the use of video image evidence.

~~This bill would extend that authorization until January 1, 2013. The bill would make a related change with respect to a notice of a delinquent parking violation.~~

*This bill would authorize a local public agency to utilize an automated parking enforcement system that includes equipment installed on local public agency-owned or local public agency-operated street sweepers for the purpose of digital imaging of parking violations occurring in street-sweeping parking lanes during the designated hours of street sweeping operations and would require the local public agency to commence a program to issue only warning notices for 30 days prior to issuing notices of parking violations.*

*The bill would require a designated employee, who is qualified by the local public agency, to review the digital image recordings for determining whether these parking violations had occurred and to issue*

*a notice of a parking violation to the registered owner within 15 days of the violation pursuant to a specified procedure. The digital image records would be confidential and would be available only to public agencies to enforce parking violations.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Article 3.6 (commencing with Section 40245) is*  
2     *added to Chapter 1 of Division 17 of the Vehicle Code, to read:*

3  
4     *Article 3.6. Procedure On Photo Enforcement and Digital*  
5     *Imaging of Parking Violations During Street Sweeping*

6  
7     *40245. (a) The Legislature finds and declares all of the*  
8     *following:*

9     *(1) Street sweepers operating throughout our nation and the*  
10    *world remove from streets and roads unnecessary pollutants,*  
11    *contaminants, chemicals, trash, and debris, which provides*  
12    *significant environmental and sanitation benefits, thereby*  
13    *protecting the environment and contributing to the health of people*  
14    *in communities worldwide.*

15    *(2) Each year, illegally parked private cars, trucks, and service*  
16    *vehicles on local streets and roads disrupt full street sweeping of*  
17    *as many as three parking spaces per illegally parked vehicle,*  
18    *resulting in significant debris, grease, oil, and other pollutants*  
19    *being needlessly washed into the stormwater drains.*

20    *(3) A major benefit of street sweeping, especially in more*  
21    *urbanized areas with higher areas of paving, is that by capturing*  
22    *pollutants before they are made soluble by rainwater, the need for*  
23    *stormwater treatment practices, which can be very costly when*  
24    *compared to collecting pollutants before they become soluble, may*  
25    *be reduced.*

26    *(4) According to an analysis by the District of Columbia*  
27    *Department of Public Works, an average of 10 pounds of oil and*  
28    *grease, three pounds of nitrogen and phosphorus, and up to two*  
29    *pounds of heavy metals are typically removed per mile swept of*  
30    *local streets and roads through street sweeping.*

1 (5) According to an August 2004 technical report on “Trash  
2 Best Management Practices” submitted by the County of Los  
3 Angeles Department of Public Works, street sweeping and stricter  
4 enforcement of no parking regulations should “be utilized to the  
5 maximum extent practicable” to help prevent trash, litter, and  
6 other harmful pollutants from getting into the stormwater drain  
7 system.

8 (6) According to a July 2007 technical report titled “Trash  
9 Total Maximum Daily Loads for the Los Angeles River Watershed,”  
10 it identifies stormwater drain discharges as the “primary source  
11 of trash” in the waterbodies of the Los Angeles River Watershed,  
12 whereby unswept street litter is washed through the storm drain  
13 sewers into the Los Angeles River, the Estuary, the beaches at  
14 Long Beach, and the Pacific Ocean.

15 (7) In August 2007, after extensive studies, public meetings, and  
16 economic benefit analysis, the Los Angeles Regional Water Quality  
17 Control Board adopted a phased-in goal of “zero” discharges of  
18 man-made trash in the Los Angeles River Watershed by 2016, a  
19 goal that was subsequently approved by the State Water Resources  
20 Control Board in April 2008 and the United States Environmental  
21 Protection Agency in July 2008.

22 (8) Cities such as Chicago and Washington D.C. already utilize  
23 automated parking enforcement systems mounted on their local  
24 public agency-owned or local public agency-operated street  
25 sweepers, thereby employing proven technology to enforce existing  
26 regulations and improve compliance with street-sweeping  
27 regulations, which benefits the environment by helping reduce  
28 waste and pollutants from entering storm water drain systems.

29 (b) Therefore, it is the intent of the Legislature to allow local  
30 public agency-owned or local public agency-operated street  
31 sweepers to utilize automated parking enforcement systems to  
32 serve the public interest by benefiting the environment, improving  
33 water quality, decreasing stormwater drain runoff, and helping  
34 reduce ongoing habitat deterioration.

35 40246. For the purposes of this article, the following terms  
36 have the following meanings:

37 (a) “Local public agency” means a city, county, city and county,  
38 district, or joint powers authority.

39 (b) “Street sweeper” means a mechanical vehicle that cleans  
40 streets and roads, utilizing a broom, conveyor belt, vacuum, or

1 *regenerative-air mechanism, among other mechanisms, to loosen,*  
2 *carry, and collect debris, dust, grease, oil, metals, and other*  
3 *pollutants from streets and roads.*

4 *(c) “Automated parking enforcement system” means the*  
5 *installation and use of equipment that takes a digital camera-based*  
6 *photograph and is linked with a violation detection system that*  
7 *synchronizes the taking of the photograph with the occurrence of*  
8 *a parking infraction.*

9 *(d) “Street-sweeping parking lane” means any street or road*  
10 *routinely cleaned by street sweepers during designated hours of*  
11 *operation as indicated on schedule signs designated on both sides*  
12 *of the street or road.*

13 *40247. (a) A local public agency may utilize an automated*  
14 *parking enforcement system that includes the installation of*  
15 *equipment on local public agency-owned or local public*  
16 *agency-operated street sweepers for the purpose of digital imaging*  
17 *of parking violations occurring in street-sweeping parking lanes.*  
18 *The equipment shall be angled and focused so as to capture digital*  
19 *images of license plates on vehicles violating designated*  
20 *street-sweeping regulations and shall not unnecessarily capture*  
21 *identifying images of other drivers, vehicles, or pedestrians. A*  
22 *citation shall be issued only for violations captured during the*  
23 *designated hours of operation for a street-sweeping parking lane.*  
24 *Notwithstanding subdivision (e) of Section 40248, only a local*  
25 *public agency may operate an automated parking enforcement*  
26 *system.*

27 *(b) Prior to issuing notices of parking violations pursuant to*  
28 *subdivision (a) of Section 40248, a local public agency utilizing*  
29 *an automated parking enforcement system pursuant to this article*  
30 *shall commence a program to issue only warning notices for 30*  
31 *days. The local public agency shall also make a public*  
32 *announcement of the automated parking enforcement system at*  
33 *least 30 days prior to the commencement of issuing these notices.*  
34 *This subdivision does not affect the authority of a local public*  
35 *agency to issue notices of parking violations through a manual*  
36 *system before, during, or after the 30-day warning period in this*  
37 *subdivision.*

38 *(c) A designated employee for the local public agency, who is*  
39 *qualified by the local public agency to issue parking citations,*  
40 *shall review digital image recordings for the purpose of*

1 *determining whether a parking violation occurred in a*  
2 *street-sweeping parking lane. A violation of a statute, regulation,*  
3 *or ordinance governing parking under this code, under a federal*  
4 *or state statute or regulation, or under an ordinance enacted by*  
5 *the local public agency occurring in a street-sweeping parking*  
6 *lane observed by the designated employee in the recordings is*  
7 *subject to a civil penalty.*

8 *(d) The registered owner at the time of the alleged violation*  
9 *shall be permitted to review the digital image evidence of the*  
10 *alleged violation on the Internet or during normal business hours*  
11 *at no cost.*

12 *(e) (1) Except as it may be included in court records described*  
13 *in Section 68152 of the Government Code, or as provided in*  
14 *paragraph (2), the digital image evidence may be retained for up*  
15 *to six months from the date the information was first obtained, or*  
16 *60 days after final disposition of the citation, whichever date is*  
17 *later, after which time the information shall be destroyed in a*  
18 *manner that shall preserve the confidentiality of any person*  
19 *included in the record or information.*

20 *(2) Notwithstanding Section 26202.6 of the Government Code,*  
21 *digital image evidence from automated parking enforcement*  
22 *systems that does not contain evidence of a parking violation*  
23 *occurring in a street-sweeping parking lane shall be destroyed*  
24 *within 15 days after the information was first obtained.*

25 *(f) Notwithstanding Section 6253 of the Government Code, or*  
26 *any other provision of law, the digital image records made by an*  
27 *automated parking enforcement system shall be confidential. Local*  
28 *public agencies shall use and allow access to these records only*  
29 *for the purposes authorized by this article.*

30 *40248. (a) A designated employee for the local public agency*  
31 *shall issue a notice of a parking violation to the registered owner*  
32 *of a vehicle within 15 calendar days of the date of the violation.*  
33 *The notice of violation shall set forth the violation of a statute,*  
34 *regulation, or ordinance governing vehicle parking under this*  
35 *code, under a federal or state statute or regulation, or under an*  
36 *ordinance enacted by the local public agency occurring in a*  
37 *street-sweeping parking lane, a statement indicating that payment*  
38 *is required within 21 calendar days from the date of citation*  
39 *issuance, and the procedure for the registered owner to deposit*  
40 *the parking penalty or contest the citation pursuant to Section*

1 40215. The notice of a parking violation shall also set forth the  
2 date, time, and location of the violation, the vehicle license number,  
3 registration expiration date if visible, the color of the vehicle, and,  
4 if possible, the make of the vehicle. The notice of parking violation,  
5 or copy of the notice, shall be considered a record kept in the  
6 ordinary course of business of the local public agency and shall  
7 be prima facie evidence of the facts contained in the notice. The  
8 local public agency shall send information regarding the process  
9 for requesting review of the digital image evidence along with the  
10 notice of parking violation.

11 (b) The notice of parking violation shall be served by depositing  
12 the notice in the United States Postal Service to the registered  
13 owner's last known address listed with the Department of Motor  
14 Vehicles. Confidential information obtained from the Department  
15 of Motor Vehicles for the administration or enforcement of this  
16 article shall be held confidential, and may not be used for any  
17 other purpose. Proof of mailing demonstrating that the notice of  
18 parking violation was mailed to that address shall be maintained  
19 by the local public agency. If the registered owner, by appearance  
20 or by mail, makes payment to the processing agency or contests  
21 the violation within either 21 calendar days from the date of  
22 mailing of the citation, or 14 calendar days after the mailing of  
23 the notice of delinquent parking violation, the parking penalty  
24 shall consist solely of the amount of the original penalty.

25 (c) If, within 21 days after the notice of parking violation is  
26 issued, the local public agency determines that, in the interest of  
27 justice, the notice of parking violation should be canceled, the  
28 local agency shall cancel the notice of parking violation pursuant  
29 to subdivision (a) of Section 40215. The reason for the cancellation  
30 shall be set forth in writing.

31 (d) Following an initial review by the local agency, and an  
32 administrative hearing, pursuant to Section 40215, a contestant  
33 may seek court review by filing an appeal pursuant to Section  
34 40230.

35 (e) The local public agency may contract with a private vendor  
36 for the installation and maintenance of the automated parking  
37 enforcement system in addition to the processing of notices of  
38 parking violations and notices of delinquent violations, if the local  
39 public agency maintains overall control and supervision of the  
40 automated parking enforcement system.

1     ~~SECTION 1. Section 40207 of the Vehicle Code, as amended~~  
2 ~~by Section 1 of Chapter 377 of the Statutes of 2007, is amended~~  
3 ~~to read:~~

4     ~~40207. (a) The notice of delinquent parking violation shall~~  
5 ~~contain the information specified in subdivision (a) of Section~~  
6 ~~40202 or subdivision (a) of Section 40241, and Section 40203,~~  
7 ~~and, additionally shall contain a notice to the registered owner~~  
8 ~~that, unless the registered owner pays the parking penalty or~~  
9 ~~contests the citation within 21 calendar days from the date of~~  
10 ~~issuance of the citation or 14 calendar days after the mailing of~~  
11 ~~the notice of delinquent parking violation or completes and files~~  
12 ~~an affidavit of nonliability that complies with Section 40208 or~~  
13 ~~40209, the renewal of the vehicle registration shall be contingent~~  
14 ~~upon compliance with the notice of delinquent parking violation.~~  
15 ~~If the registered owner, by appearance or by mail, makes payment~~  
16 ~~to the processing agency within 21 calendar days from the date of~~  
17 ~~issuance of the citation or 14 calendar days after the mailing of~~  
18 ~~the notice of delinquent parking violation, the parking penalty shall~~  
19 ~~consist solely of the amount of the original penalty. Additional~~  
20 ~~fees, assessments, or other charges shall not be added.~~

21     ~~(b) This section shall remain in effect only until January 1, 2013,~~  
22 ~~and as of that date is repealed, unless a later enacted statute, that~~  
23 ~~is enacted before January 1, 2013, deletes or extends that date.~~

24     ~~SEC. 2. Section 40207 of the Vehicle Code, as added by~~  
25 ~~Section 2 of Chapter 377 of the Statutes of 2007, is amended to~~  
26 ~~read:~~

27     ~~40207. (a) The notice of delinquent parking violation shall~~  
28 ~~contain the information specified in subdivision (a) of Section~~  
29 ~~40202 and Section 40203, and, additionally shall contain a notice~~  
30 ~~to the registered owner that, unless the registered owner pays the~~  
31 ~~parking penalty or contests the citation within 21 calendar days~~  
32 ~~from the date of issuance of the citation or 14 calendar days after~~  
33 ~~the mailing of the notice of delinquent parking violation or~~  
34 ~~completes and files an affidavit of nonliability that complies with~~  
35 ~~Section 40208 or 40209, the renewal of the vehicle registration~~  
36 ~~shall be contingent upon compliance with the notice of delinquent~~  
37 ~~parking violation. If the registered owner, by appearance or by~~  
38 ~~mail, makes payment to the processing agency within 21 calendar~~  
39 ~~days from the date of issuance of the citation or 14 calendar days~~  
40 ~~after the mailing of the notice of delinquent parking violation, the~~

1 ~~parking penalty shall consist solely of the amount of the original~~  
2 ~~penalty. Additional fees, assessments, or other charges shall not~~  
3 ~~be added.~~

4 ~~(b) This section shall become operative on January 1, 2013.~~

5 ~~SEC. 3. Section 40243 of the Vehicle Code is amended to read:~~

6 ~~40243. This article shall remain in effect only until January 1,~~  
7 ~~2013, and as of that date is repealed, unless a later enacted statute,~~  
8 ~~that is enacted before January 1, 2013, deletes or extends that date.~~